

FILED

AUG 29 2019

U.S. DISTRICT COURT-WVND
MARTINSBURG, WV 25401

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA

v.

ELIZABETH JO SHIRLEY,

Defendant.

Case No.

3:19MJ99

**AFFIDAVIT IN SUPPORT OF
CRIMINAL COMPLAINT**

I, David Rauser, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of a Criminal Complaint alleging that the defendant, Elizabeth Jo Shirley, violated Title 18, United States Code, Section 1204, which prohibits removing a child from the United States, or attempting to do so, or retaining a child (who has been in the United States) outside the United States with the intent to obstruct the lawful exercise of parental rights.

2. I am a Special Agent with the Federal Bureau of Investigation ("FBI"), Pittsburgh Division, Martinsburg, West Virginia Resident Agency, and have been for approximately fifteen years. I am assigned to investigate a wide variety of violations of federal criminal laws, to include, but not limited to, terrorism, white collar, civil rights, public corruption, violent crime, and child exploitation matters. I have executed or assisted with the execution of numerous search warrants on a variety of criminal matters.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show simply that there is sufficient probable cause for this Criminal Complaint and the requested

arrest warrant and does not set forth all of my knowledge about this matter. I have set forth only the facts I believe are necessary to establish probable cause that Elizabeth Jo Shirley has violated Title 18, United States Code, Section 1204.

VENUE

4. This Court has venue to issue an arrest on this Criminal Complaint because venue for a violation of Title 18, United States Code, Section 1204 lies in the District in which the offense was begun. 18 U.S.C. § 3237. As established below, the defendant removed the child from the Northern District of West Virginia to begin her journey with the child to Mexico.

PROBABLE CAUSE

5. On July 19, 2019, Elizabeth Jo Shirley, a resident of Hedgesville, Berkeley County, West Virginia was scheduled to return her six-year-old daughter, J.O.S., to James Fletcher Craft, the father of J.O.S. Craft, a resident of Cowen, Webster County, West Virginia, had parental rights to J.O.S. as the primary residential parent, pursuant to an Order entered by the Family Court of Webster County in September 2018. On July 19, Shirley was scheduled to meet with Craft's wife in Monongalia County, West Virginia to return J.O.S. to her father. Shirley did not appear for the scheduled return. Shirley communicated with Craft's wife via telephone, claiming that she was experiencing car trouble and promising to bring J.O.S. to Webster County on July 20, 2019.

6. On July 19, 2019, according to Shirley's mother, Shirley left her Hedgesville residence with J.O.S.

7. On July 19, 2019, at approximately 2:33 p.m., a license plate reader on Interstate 195 Eastbound within approximately two miles of the Baltimore-Washington International ("BWI") Airport captured a Toyota 4-Runner vehicle registered to Shirley traveling in the direction of the airport.

8. On the evening of July 19, 2019, Shirley lodged at the Days Inn hotel located within approximately five miles of the BWI Airport. An employee of this Days Inn hotel has advised the FBI that American Airlines paid for this lodging after Shirley's flight from the BWI Airport on July 19, 2019 was delayed or canceled.

9. On July 20, 2019, Shirley did not appear in Webster County with J.O.S.

10. On July 22, 2019, Craft filed a motion in the Family Court of Webster County, requesting immediate, temporary and exclusive custody of J.O.S. pending a hearing, based upon Shirley's failure to return J.O.S. On the same date, the Family Court granted Craft's motion.

11. On July 24, 2019, Craft reported J.O.S. missing to the West Virginia State Police ("WVSP").

12. On July 25, 2019, WVSP Trooper Eric Bostic filed a Criminal Complaint in the Magistrate Court of Webster County, charging Shirley with the State offense of concealment of a minor child from a custodian.

13. On August 13, 2019, the United States Marshals Service and Mexican law enforcement authorities located Shirley and J.O.S. at a hotel in Mexico City, Mexico. Mexican authorities arrested Shirley.

14. On August 14, 2019, Mexican law enforcement officials and the United States Marshals Service delivered Shirley via airplane to the custody of law enforcement in New York, New York. Shirley was booked at the Rose M. Singer Center on Rikers Island in East Elmhurst, New York. The same officials returned J.O.S. to Craft, who was waiting at the New York airport.

15. Shirley is expected to be extradited from New York to West Virginia on or about September 4, 2019 and lodged at the Central Regional Jail in Sutton, Braxton County, West Virginia.

CONCLUSION

16. Based on the forgoing, there is probable cause that, on or about July 19, 2019, and continuing to on or about August 13, 2019, in the Northern District of West Virginia and elsewhere in and outside the Northern District of West Virginia, the defendant, **ELIZABETH JO SHIRLEY**, did remove a child from the United States and retain a child outside of the United States with the intent to obstruct the lawful exercise of another person's parental rights, in violation of Title 18, United States Code, Section 1204. Accordingly, I request that the Court issue the proposed arrest warrant.

Respectfully submitted,



David Rauser
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me on August 29, 2019



ROBERT W. TRUMBLE
UNITED STATES MAGISTRATE JUDGE